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January 5, 2011

**VIA FEDERAL EXPRESS**

Honorable Robert F. Kelly  
United States District Court  
Eastern District of Pennsylvania  
James A. Byrne United States Courthouse  
601 Market Street, Room 2609  
Philadelphia PA 19106-1729

**Re: United States v. George Georgiou; Docket No. 09-00088-001**

Dear Judge Kelly:

As the Court is aware, we represent defendant, George Georgiou, in the above referenced matter. Mr. Georgiou was sentenced by Your Honor to a 25-year term of imprisonment on November 19, 2010. He is currently detained at the Oklahoma City Federal Transit Center (FTC). The Court was kind enough to request that the Bureau of Prisons (BOP) designate Mr. Georgiou to the Federal Correctional Institution in Milan, Michigan to facilitate family visitation, yet we have just learned that the BOP has designated this defendant to the Medium-Security Prison in Victorville, California. Given the extreme distance this designated facility lies from Mr. Georgiou's family in Kitchener, Ontario, and the difficult conditions at FCI Victorville II, we hereby renew our request for the Court to issue an Order recommending that the BOP 1) waive the Public Safety Factor of sentence length and 2) reconsider this designation with a strong recommendation for re-designation to FCI Milan.

As previously indicated, Mr. Georgiou's security classification will initially be

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scored as Low-Security.<sup>1</sup> However, given his sentence length, and the remaining term to be served after consideration of good time credits and time already served, Mr. Georgiou has a little more than 20 years (4 months more) to serve which will trigger the application of a Public Safety Factor (PSF), that of "Sentence Length", thus leaving his final security classification score as Medium-Security.<sup>2</sup> Given that Mr. Georgiou will be eligible for Low-Security in a matter of only four (4) months, it would certainly make sense both fiscally and logistically to waive this PSF and allow Mr. Georgiou to begin and end his time at a Low-Security facility. It is therefore imperative, if Mr. Georgiou is to be allowed to serve his time at the Low-Security facility in FCI Milan which would facilitate family visitation (235 miles from Kitchener, Ontario), that the BOP waive this "sentence length" PSF. A representative of mine, Joel Sickler, a designation expert well known by the BOP, has spoken with a BOP's designation official who has indicated the BOP would "reconsider" the designation should the Court submit its' recommendation to waive the Sentence Length PSF.

In order for the BOP to re-evaluate Mr. Georgiou's designation and consider waiving the "sentence length" PSF will require a new Judicial Recommendation from the Court asking them to reconsider their original designation. We urge Your Honor to consider our motion for judicial recommendation submitted to the Court on November 22, 2010. I have attached to this request both the original motion and drafted Order for Your Honor's signature, and pray the Court will execute it given the information provided in this correspondence.

We thank the Court for its time, and remain available for any questions or concerns.

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<sup>1</sup> Mr. Georgiou's BP-337 (Inmate Load and Security Designation Form) should be scored as follows: he was not allowed to voluntarily surrender (0 pts.); Mr. Georgiou's offense (Property Offense over \$250,000) severity should be rated "Moderate" (3 pts.); the Presentence Investigation Report (PSR) notes he has no criminal history points and no prior crime of violence (both 0 pts.); he has no record of escape and no outstanding detainers (both 0 pts.); he is 41-years old (2 pts.) and the PSR indicates that he graduated high school (0 pts); and, he has no history of substance abuse (0 pts.). Therefore, his *total security designation points are five (5)* yielding a security level of "Minimum." However, given that he is a Canadian citizen, a public safety factor (PSF) of "Deportable Alien" will be applied, and his final security level will be determined as "Low."

<sup>2</sup> As substantiated by the PSR, defendant Georgiou was initially detained from September 18, 2008 through September 26, 2008, representing 9 days served. After his trial ended in a guilty verdict, he was remanded to the Bureau of Prisons on February 12, 2010 where he remains today awaiting designation, representing approximately 10 months and 23 days. Thus, his total time served through today is approximately 11 months. Given his sentence of 300 months, less approximately 15% GTC, leaves 255 months to be served. After credit of his time served (255-11), leaves 244 months remaining to serve on his sentence, or just four (4) months over the 20 year benchmark for sentence length PSF application.

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Respectfully submitted,



Michael F. Bachner

MFB/jl

Cc: AUSA Louis Lappen